

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,) CASE NO. 12CR4235-LAB
)
 VS.) SAN DIEGO, CALIFORNIA
)
 CARLOS DOMINGUEZ-MAROYOQUI,) TUESDAY,
) NOVEMBER 6, 2012
 DEFENDANT.) 3:28 P.M.
 _____)

TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE WILLIAM MCCURINE, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE GOVERNMENT: SUSAN PARK
ASSISTANT U.S. ATTORNEY
880 FRONT STREET
SAN DIEGO, CALIFORNIA 92101

FOR THE DEFENDANT: GARY P. BURCHAM
ATTORNEY AT LAW
964 FIFTH AVENUE
SUITE 300
SAN DIEGO, CALIFORNIA 92101

TRANSCRIPT ORDERED BY: GARY P. BURCHAM, CJA

TRANSCRIBER: CAMERON P. KIRCHER

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING;
TRANSCRIPT PRODUCED BY TRANSCRIPTION.

1 SAN DIEGO, CALIFORNIA - TUESDAY, NOVEMBER 6, 2012

2 9:18 A.M.

3 THE CLERK: CALLING MATTERS 5, 14, 27, 30 AND 32.
4 COUNSEL, WHEN I CALL YOUR CLIENT'S NAME, PLEASE
5 STATE YOUR APPEARANCE FOR THE RECORD.

6 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

7 THE CLERK: MATTER 27, 12CR4235-LAB, UNITED STATES
8 OF AMERICA VERSUS CARLOS DOMINGUEZ --

9 MR. BURCHAM: MAROYOQUI.

10 THE CLERK: THANK YOU.

11 MR. BURCHAM: GOOD MORNING, YOUR HONOR. GARY
12 BURCHAM FOR MR. DOMINGUEZ.

13 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

14 THE CLERK: CARLOS DOMINGUEZ.

15 THE DEFENDANT: YES.

16 THE CLERK: COULD YOU PRONOUNCE YOUR LAST NAME FOR
17 ME.

18 THE DEFENDANT: MAROYOQUI.

19 THE CLERK: MAROYOQUI.

20 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

21 THE CLERK: WOULD YOU EACH PLEASE RAISE YOUR RIGHT
22 HANDS.

23 DO YOU SOLEMNLY SWEAR THAT THE EVIDENCE YOU SHALL
24 GIVE IN THE CAUSE NOW BEFORE THE COURT SHALL BE THE TRUTH,
25 THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

1 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

2 THE CLERK: AS TO MR. DOMINGUEZ-MAROYOQUI?

3 THE DEFENDANT: (THROUGH INTERPRETER) YES.

4 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

5 THE CLERK: YOU MAY LOWER YOUR HANDS.

6 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

7 THE CLERK: CARLOS DOMINGUEZ-MAROYOQUI, SIR, IS THAT
8 YOUR TRUE NAME?

9 THE DEFENDANT: YES.

10 THE CLERK: SIR, DO YOU NOW DESIRE TO WITHDRAW YOUR
11 FORMER PLEA OF NOT GUILTY TO COUNT 1 OF THE INFORMATION,
12 CHARGING YOU WITH DEPORTED ALIEN FOUND IN THE UNITED STATES,
13 AND TO PLEAD GUILTY?

14 THE DEFENDANT: YES.

15 THE CLERK: HOW DO YOU NOW PLEAD TO COUNT 1 OF THE
16 INFORMATION, SIR, ARE YOU GUILTY OR NOT GUILTY?

17 THE DEFENDANT: GUILTY.

18 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

19 THE CLERK: COUNSEL, DO YOU ALL WAIVE READING OF THE
20 COUNTS?

21 MR. BURCHAM: YES.

22 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

23 THE COURT: OKAY. GENTLEMEN AND MADAM, EACH OF YOU
24 HAS THE RIGHT TO ENTER YOUR PLEA IN FRONT OF A DISTRICT
25 JUDGE -- OH, WOULD YOU ASK THE GENTLEMAN IN THE AUDIENCE IF

1 HE NEEDS A HEADSET.

2 MR. COLEMAN: THAT'S MS. MARTINEZ'S MOTHER.

3 THE COURT: OKAY. GENTLEMEN AND MADAM, EACH OF YOU
4 HAS THE RIGHT TO ENTER YOUR PLEA IN FRONT OF A DISTRICT
5 JUDGE. HOWEVER, EACH OF YOU HAS SIGNED A TWO-PAGE CONSENT
6 WAIVING THAT RIGHT, SEEKING INSTEAD TO ENTER YOUR PLEA BEFORE
7 ME, A MAGISTRATE JUDGE.

8 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

9 THE COURT: SO FOR EACH OF YOU, PLEASE CONFIRM THAT
10 THE SIGNATURE ON YOUR CONSENT THAT APPEARS ABOVE THE TYPED
11 WORD "DEFENDANT" AND THE LAST PAGE OF THE CONSENT IS YOUR
12 SIGNATURE AND THAT YOU GAVE IT IN THE PRESENCE OF YOUR
13 ATTORNEY.

14 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

15 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

16 THE COURT: TO EACH OF THE DEFENDANTS, ARE YOU
17 SATISFIED WITH THE WORK YOUR ATTORNEY HAS DONE FOR YOU?

18 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

19 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

20 THE COURT: ALL RIGHT. SO GENTLEMEN AND MADAM, YOU
21 EACH HAVE THE FOLLOWING CONSTITUTIONAL RIGHTS AS THEY RELATE
22 TO TRIAL. YOU MAY CONTINUE TO INSIST ON YOUR INNOCENCE, YOUR
23 TRIAL WILL BE SPEEDY AND PUBLIC IN FRONT OF A JUDGE AND JURY,
24 OR IN FRONT OF A JUDGE WITHOUT A JURY, AND YOU GET TO MAKE
25 THAT CHOICE.

1 YOU CAN BE REPRESENTED BY AN ATTORNEY AT ALL
2 PROCEEDINGS, INCLUDING TRIAL. IF YOU CANNOT AFFORD AN
3 ATTORNEY, I WILL APPOINT ONE TO REPRESENT YOU AT NO COST TO
4 YOU. YOU CAN CROSS-EXAMINE EVERY WITNESS WHO TESTIFIES
5 AGAINST YOU, YOU CAN PUT ON YOUR OWN DEFENSE, YOU CAN
6 SUBPOENA WITNESSES TO TRIAL TO TESTIFY FOR YOU. YOU DO NOT
7 NEED TO TESTIFY OR COOPERATE WITH THE GOVERNMENT. AND YOU
8 WILL NOT BE PENALIZED IN ANY WAY WHEN YOU EXERCISE THESE
9 RIGHTS. HOWEVER, BY PLEADING GUILTY TODAY, YOU GIVE UP THE
10 RIGHTS I'VE JUST DESCRIBED. YOU WILL NOT HAVE A TRIAL AND
11 YOUR GUILTY PLEA WILL BE ENTERED.

12 DO YOU UNDERSTAND?

13 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

14 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

15 THE COURT: DO YOU STILL WANT TO PLEAD GUILTY TODAY?

16 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

17 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

18 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

19 THE COURT: ALL RIGHT. NOW LET'S TURN TO
20 MS. FLORES, MR. DOMINGUEZ AND MR. SALGADO. THE ELEMENTS ARE
21 THE SAME. WOULD YOU RECITE THOSE, PLEASE.

22 MS. PARK: FOR MS. FLORES, YOUR HONOR --

23 THE COURT: FOR ALL THREE. THEY ARE THE SAME
24 ELEMENTS. I JUST WANT THEM TO KNOW.

25 MS. PARK: I BELIEVE MS. FLORES IS PLEADING TO A

1 DIFFERENT CRIME. MY APOLOGIES.

2 THE COURT: THIS IS JUST THE ELEMENTS RIGHT NOW; NOT
3 THE FACTUAL BASIS.

4 MS. PARK: YES, YOUR HONOR. THE THREE ELEMENTS.
5 ONE, THE DEFENDANT IS AN ALIEN, NOT A CITIZEN OF THE UNITED
6 STATES; TWO, THE DEFENDANT WAS EXCLUDED, DEPORTED OR REMOVED
7 FROM THE UNITED STATES; AND, THREE, THE DEFENDANT THEREAFTER
8 WAS SUBSEQUENTLY FOUND IN THE UNITED STATES AFTER KNOWINGLY
9 AND VOLUNTARILY REENTERING OR REMAINING IN THE UNITED STATES
10 WITHOUT PERMISSION FROM THE ATTORNEY GENERAL OF THE UNITED
11 STATES, OR HIS DESIGNATED SUCCESSOR, THE SECRETARY OF THE
12 DEPARTMENT OF HOMELAND SECURITY.

13 THE COURT: COUNSEL, ARE THESE ELEMENTS CORRECT?

14 MR. BURCHAM: THEY ARE.

15 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

16 THE COURT: THANK YOU.

17 SO AS TO MR. DOMINGUEZ AND MR. SALGADO, THE ELEMENTS
18 ARE CORRECT, COUNSEL; IS THAT RIGHT?

19 MR. BURCHAM: YES, IT IS, YOUR HONOR

20 THE COURT: AND MR. DOMINGUEZ, MR. SALGADO, DO YOU
21 UNDERSTAND WHAT THE GOVERNMENT HAS TO PROVE?

22 THE INTERPRETER: YES AS TO BOTH.

23 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

24 THE COURT: NOW LET'S TURN TO NO. 27, MR. DOMINGUEZ.
25 PLEASE GIVE THE FACTUAL BASIS FOR THIS GENTLEMAN.

1 MS. PARK: THE DEFENDANT IS AN ALIEN, NOT A CITIZEN
2 OF THE UNITED STATES. ON OR ABOUT JULY 14, 2004, HE SUFFERED
3 A FELONY CONVICTION FOR DEPORTED ALIEN FOUND IN THE UNITED
4 STATES, IN VIOLATION OF TITLE 8, UNITED STATES CODE SECTION
5 1326 IN THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT
6 OF CALIFORNIA.

7 THE DEFENDANT SUBSEQUENTLY WAS LAWFULLY EXCLUDED,
8 DEPORTED AND REMOVED FROM THE UNITED STATES TO MEXICO ON
9 OCTOBER 6TH, 2006.

10 AS ALLEGED IN THE INFORMATION, ON SEPTEMBER 20,
11 2012, HE THEREAFTER WAS SUBSEQUENTLY FOUND IN THE UNITED
12 STATES WITHIN THE SOUTHERN DISTRICT OF CALIFORNIA AFTER
13 KNOWINGLY AND VOLUNTARILY REENTERING AND REMAINING IN THE
14 UNITED STATES WITHOUT PERMISSION.

15 THE COURT: OKAY. MR. BURCHAM AND MR. DOMINGUEZ,
16 ARE THE FACTS TRUE?

17 MR. BURCHAM: YES.

18 THE DEFENDANT: YES.

19 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

20 THE COURT: ALL RIGHT. GENTLEMEN, MADAM, I'M NOW
21 GOING TO INFORM YOU OF THE MAXIMUM PENALTIES TO WHICH YOU ARE
22 SUBJECT. THESE ARE NOT NECESSARILY THE PENALTY THAT WILL
23 ACTUALLY BE IMPOSED, BUT THE SENTENCING JUDGE CANNOT IMPOSE
24 GREATER PENALTIES.

25 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

1 THE COURT: ALL RIGHT. AS TO MS. FLORES,
2 MR. DOMINGUEZ AND MR. JASSO, YOU EACH FACE A MAXIMUM 10-YEAR
3 PRISON TERM. MR. SALGADO FACES A MAXIMUM 20-YEAR PRISON
4 TERM.

5 FOR MS. FLORES, MR. DOMINGUEZ, SALGADO AND JASSO,
6 ALL OF YOU ALSO FACE A FINE OF \$250,000, A \$100 SPECIAL
7 ASSESSMENT, AND A THREE-YEAR PERIOD OF SUPERVISED RELEASE.

8 FOR ALL OF THOSE DEFENDANTS WHO ARE NOT UNITED
9 STATES CITIZENS, YOU WILL AT SOME POINT IN ADDITION BE
10 DEPORTED TO YOUR HOME COUNTRY, AND YOU WILL NOT HAVE THE
11 ABILITY TO CHALLENGE OR APPEAL YOUR REMOVAL.

12 DO ALL OF THE DEFENDANTS UNDERSTAND THEIR PENALTIES,
13 THEIR POTENTIAL PENALTIES?

14 THE INTERPRETER: YES AS TO THE SPANISH SPEAKERS.

15 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

16 THE COURT: NOW, YOUR SENTENCING JUDGE IS GOING TO
17 SET THE ACTUAL LENGTH OF YOUR SUPERVISED RELEASE AND THE
18 CONDITIONS YOU MUST OBEY UPON RELEASE. IF YOU VIOLATE EVEN
19 ONE OF THOSE CONDITIONS, YOU CAN BE REQUIRED TO SERVE OUT THE
20 BALANCE OF YOUR SUPERVISED RELEASE IN PRISON. IN ADDITION,
21 FOR EVERY SUBSEQUENT VIOLATION, YOU MAY BE REQUIRED TO SERVE
22 ANOTHER FULL SUPERVISED RELEASE PERIOD IN PRISON.

23 DO YOU UNDERSTAND?

24 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

25 THE INTERPRETER: YES AS TO THE SPANISH SPEAKERS.

1 THE COURT: HAVE EACH OF YOU DISCUSSED THE
2 SENTENCING GUIDELINES WITH YOUR ATTORNEY?

3 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

4 THE INTERPRETER: YES AS TO THE SPANISH SPEAKERS.

5 THE COURT: THOSE GUIDELINES WILL NOT BIND YOUR
6 SENTENCING JUDGE. THEY ARE ONLY ADVISORY. THE JUDGE MAY
7 DEPART FROM THOSE GUIDELINES AND IMPOSE THE MANDATORY MINIMUM
8 AS IT APPLIES FOR MR. CHAVEZ AND MARTINEZ FOR A MAXIMUM.

9 IF THE JUDGE IMPOSES A PENALTY GREATER THAN WHAT YOU
10 EXPECTED, YOU WILL STILL BE BOUND BY THIS PLEA. YOU MAY BE
11 ABLE TO APPEAL YOUR SENTENCE, BUT YOU WILL NOT BE ABLE TO
12 WITHDRAW YOUR GUILTY PLEA.

13 DO YOU UNDERSTAND?

14 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

15 THE INTERPRETER: YES AS TO THE SPANISH SPEAKERS.

16 THE COURT: ALL RIGHT. NOW, EACH OF YOU HAS A
17 PROVISION IN YOUR PLEA AGREEMENT ENTITLED "DEFENDANT WAIVES
18 APPEAL AND COLLATERAL ATTACK."

19 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

20 THE COURT: OKAY. FOR MS. FLORES, MR. DOMINGUEZ,
21 MR. SALGADO, YOU HAVE THE SAME WAIVER, BUT YOU ARE GIVING UP
22 YOUR RIGHTS TO APPEAL AND COLLATERALLY ATTACK YOUR GUILTY
23 PLEA, CONVICTION AND SENTENCE, UNLESS THE COURT IMPOSES A
24 SENTENCE GREATER THAN THE HIGH END OF THE GUIDELINE RANGE THE
25 GOVERNMENT RECOMMENDS AT YOUR SENTENCING. AND YOU ARE

1 RESERVING YOUR RIGHT TO APPEAL BASED UPON INEFFECTIVE
2 ASSISTANCE OF COUNSEL.

3 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

4 THE COURT: DOES EVERYBODY UNDERSTAND THE WAIVER IN
5 THEIR OWN PLEA AGREEMENT?

6 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

7 THE INTERPRETER: YES AS TO THE SPANISH SPEAKERS.

8 THE COURT: ALL RIGHT. TO COUNSEL, I WANT TO
9 CONFIRM THE PAGE LENGTH OF THESE PLEA AGREEMENTS, SO I'M
10 GOING TO RATTLE THAT OFF. I NEED YOU TO CONFIRM.

11 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

12 THE COURT: AND FOR MR. DOMINGUEZ, SALGADO AND
13 JASSO, 12?

14 MR. BURCHAM: YES, YOUR HONOR.

15 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

16 THE COURT: ARE WE GOOD TO GO, MS. PARK?

17 ALL RIGHT. TO ALL DEFENSE COUNSEL, DID YOU GO OVER
18 THE PLEA AGREEMENT WITH YOUR CLIENT IN A LANGUAGE YOUR CLIENT
19 UNDERSTOOD BEFORE YOUR CLIENT SIGNED THE PLEA?

20 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

21 MR. BURCHAM: YES.

22 THE COURT: ARE YOU SATISFIED, COUNSEL, THAT YOUR
23 CLIENT UNDERSTANDS WHAT'S IN THE PLEA AGREEMENT?

24 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

25 MR. BURCHAM: YES.

1 THE COURT: AND, COUNSEL, DO YOU BELIEVE THAT THE
2 PLEA AGREEMENT IS IN THE BEST INTEREST OF YOUR CLIENT?

3 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

4 MR. BURCHAM: YES.

5 THE COURT: ALL RIGHT. TO THE DEFENDANTS, IN THE
6 PAST 72 HOURS, HAVE YOU TAKEN ANY MEDICINE OR NARCOTIC?

7 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

8 THE INTERPRETER: FOR THE SPANISH SPEAKERS, NO.

9 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

10 THE COURT: ALL RIGHT. NOW, TO ALL THE DEFENDANTS,
11 EACH OF YOU HAS A WRITTEN PLEA AGREEMENT. ON THE LAST PAGE
12 OF THAT PLEA AGREEMENT, A SIGNATURE APPEARS ON A LINE ABOVE
13 YOUR TYPED NAME. IN ADDITION, INITIALS APPEAR IN THE BOTTOM
14 RIGHT-HAND CORNER OF OTHER PAGES. PLEASE CONFIRM THAT THOSE
15 INITIALS AND THE SIGNATURE ARE YOUR OWN AND THAT YOU MADE
16 THEM IN THE PRESENCE OF YOUR ATTORNEY.

17 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

18 THE INTERPRETER: YES FOR THE SPANISH SPEAKERS.

19 THE COURT: OKAY. TO THE DEFENDANTS, EXCLUDING THE
20 PROMISES CONTAINED IN YOUR WRITTEN PLEA AGREEMENT, HAS ANYONE
21 PROMISED YOU ANYTHING ELSE TO GET YOU TO PLEAD GUILTY?

22 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

23 THE INTERPRETER: NO AS TO ALL SPANISH SPEAKERS.

24 THE COURT: ARE YOU PLEADING GUILTY TO THIS CHARGE
25 BECAUSE YOU ARE GUILTY AND FOR NO OTHER REASON?

1 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

2 THE INTERPRETER: YES FOR ALL SPANISH SPEAKERS.

3 THE COURT: HAS ANYONE THREATENED OR FORCED YOU TO
4 GET YOU TO DO THIS?

5 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

6 THE INTERPRETER: NO AS TO ALL SPANISH SPEAKERS.

7 THE COURT: BEFORE I GO ANY FURTHER, I WANT TO GIVE
8 YOU ANOTHER OPPORTUNITY TO SPEAK PRIVATELY WITH YOUR
9 ATTORNEY. IT'S PERFECTLY OKAY FOR YOU TO DO THAT. AND IF
10 YOU WANT TO TALK WITH YOUR ATTORNEY, JUST RAISE YOUR HAND AND
11 HE WILL COME OVER TO SPEAK WITH YOU.

12 OKAY. SEEING NO HANDS RAISED. TO THE DEFENDANTS,
13 ARE YOU, AGAIN, SATISFIED WITH THE WORK YOUR ATTORNEY HAS
14 DONE FOR YOU?

15 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

16 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

17 THE COURT: DO YOU BELIEVE THE PLEA AGREEMENT IS IN
18 YOUR BEST INTEREST?

19 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

20 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

21 THE COURT: ALL RIGHT. THEN MS. BRESSI, WOULD YOU
22 PLEASE RE-ARRAIGN THE DEFENDANTS.

23 THE CLERK: NOW THAT YOU EACH HAVE BEEN ADVISED OF
24 YOUR RIGHTS, THE CHARGES AGAINST YOU AND THE POSSIBLE
25 SENTENCE:

1 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

2 THE CLERK: MR. DOMINGUEZ, HOW DO YOU NOW PLEAD TO
3 COUNT 1 OF THE INFORMATION, ARE YOU GUILTY OR NOT GUILTY?

4 THE DEFENDANT: GUILTY.

5 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

6 THE COURT: ALL RIGHT. I FIND THAT EACH DEFENDANT
7 UNDERSTANDS WHAT THE GOVERNMENT MUST PROVE BEYOND A
8 REASONABLE DOUBT IN ORDER TO CONVICT. EACH HAS MADE A
9 KNOWING AND VOLUNTARY WAIVER OF THE CONSTITUTIONAL
10 PROTECTIONS HE OR SHE WOULD ENJOY AT TRIAL. AND I
11 SPECIFICALLY FIND THAT THE FACTUAL BASIS UNDERLYING EACH PLEA
12 IS SUFFICIENT. SO IN EACH CASE, I'M RECOMMENDING THAT THE
13 DISTRICT JUDGE ACCEPT YOUR PLEA.

14 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

15 THE COURT: MR. DOMINGUEZ, JUDGE BURNS WILL SENTENCE
16 YOU ON JANUARY 28TH AT 9:30.

17 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

18 NOW, COUNSEL, I'M HOLDING UP FINDINGS AND
19 RECOMMENDATIONS I PREPARED IN THE MATTER CONCERNING
20 MR. JASSO. I PREPARED A SIMILAR SET FOR EACH OF YOU. EACH
21 OF YOU HAS A SPECIFIC AMOUNT OF TIME WITHIN WHICH TO OBJECT
22 IN WRITING TO MY FINDINGS AND RECOMMENDATIONS. IF YOU DO NOT
23 FILE WRITTEN OBJECTIONS WITHIN THE TIME PERIOD I'M ABOUT TO
24 GIVE YOU, YOUR OBJECTIONS WILL BE DEEMED WAIVED.

25 DO YOU UNDERSTAND?

1 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

2 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

3 THE COURT: ALL RIGHT. SO FOR MS. FLORES, YOU HAVE
4 3 DAYS TO OBJECT. EVERYONE ELSE HAS 14 DAYS.

5 I'M ORDERING PRE-SENTENCE REPORTS FOR EVERYONE
6 EXCEPT MS. FLORES FOR WHOM I'M ORDERING A CRIMINAL HISTORY
7 REPORT.

8 COUNSEL, IT IS MY INTENTION TO EXCLUDE TIME IN ALL
9 THESE MATTERS TO AVOID ANY MISCARRIAGE OF JUSTICE. DO ALL
10 COUNSEL AGREE?

11 MR. BURCHAM: YES, YOUR HONOR.

12 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

13 THE COURT: OKAY. MR. SALGADO, MR. DOMINGUEZ,
14 MS. FLORES, MR. JASSO, DO YOU ALSO AGREE?

15 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

16 THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

17 THE COURT: ALL RIGHT. THAT WILL BE THE ORDER OF
18 THE COURT.

19 (PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

20 THE COURT: OKAY. IN ALL THE OTHER MATTERS, IF ANY
21 MOTIONS ARE PENDING, THEY ARE HEREBY DEEMED WITHDRAWN. I AM
22 ALSO VACATING ALL YOUR COURT DATES IN THIS MATTER, EXCEPT
23 YOUR SENTENCING DATE. SO IN YOUR MATTER, THE ONLY COURT DATE
24 YOU NOW HAVE AHEAD OF YOU IS THE SENTENCING DATE I JUST
25 PROVIDED.

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DO YOU UNDERSTAND?

(PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

THE INTERPRETER: YES AS TO ALL SPANISH SPEAKERS.

THE COURT: COUNSEL, IS THERE ANYTHING ELSE?

MR. BURCHAM: NO, YOUR HONOR. THANK YOU.

(PAUSE WHILE THE COURT HEARD OTHER MATTERS.)

THE COURT: OKAY. THAT'S ALL. THANK YOU.

(PROCEEDINGS CONCLUDED AT 9:58 A.M.)

-- 00000 --

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
FROM THE ELECTRONIC SOUND RECORDING OF THE PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

<u>/S/CAMERON P. KIRCHER</u>	<u>3-21-13</u>
TRANSCRIBER	DATE